



COUNTY OF LOS ANGELES
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TO: PATRICK OGAWA
Acting Executive Officer
Executive Office Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Tonya Pate v. County of Los Angeles, et al.
United States District Court Case No. CV 14-01395 MWF

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is the Case Summary to be made available to the public.

It is requested that this recommendation and the Case Summary be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Tonya Pate v. County of Los Angeles, et al., United States District Court Case No. CV 14-01395 MWF in the amount of \$1,625,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit concerns allegations of federal civil rights violations arising out of a shooting by Sheriff's Deputies during the execution of a search warrant.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Tonya Pate v. County of Los Angeles, et al.
CASE NUMBER	CV 14-0139
COURT	United States District Court
DATE FILED	January 10, 2014
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 1,625,000
ATTORNEY FOR PLAINTIFF	Mark S. Algorri, Esq. DeWitt, Algorri & Algorri, LLP James M. Bergener, Esq. Bergener & Associates
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>This is a recommendation to settle for \$1,625,000 the lawsuit filed by Plaintiff Tonya Pate against the County alleging federal civil rights violations and wrongful death arising out of the shooting of her husband Eugene Mallory during the execution of a search warrant in the City of Palmdale.</p> <p>The County denies the allegations; however, due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$1,625,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 330,445
PAID COSTS, TO DATE	\$ 81,316